

AN ACT

relating to the compulsory inspection of motor vehicles; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 548.3065, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) For purposes of Subsection (a) ~~[Except as otherwise provided by this section]~~, the procedures for determining and administering an administrative penalty ~~[under this section]~~ against a person charged with violating this chapter are the same as those prescribed by Section 643.251 for determining and administering an administrative penalty against a motor carrier under that section.

(c-1) The conservation commission may impose an administrative penalty on a person in the amount of not more than \$500 for each violation of this subchapter or a rule adopted by the conservation commission under this subchapter.

SECTION 2. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4045 to read as follows:

Sec. 548.4045. BOND REQUIRED FOR CERTAIN INSPECTION STATIONS. (a) This section applies only to an inspection station that:

(1) is located in a county in which the conservation

commission has established a motor vehicle emissions inspection and maintenance program under Subchapter F; and

(2) has been convicted of a violation of this chapter relating to an emissions inspection.

(b) An application for certification as an inspection station must be accompanied by a surety bond in the amount of \$5,000, payable to this state and conditioned on the future compliance with this chapter and rules adopted by the department or the conservation commission under this chapter.

(c) The attorney general or the district or county attorney for the county in which the inspection station is located or in which the inspection station that employs the inspector is located may bring suit in the name of this state to recover on the bond.

SECTION 3. Section 548.506, Transportation Code, is amended to read as follows:

Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. An applicant for certification as an inspector must submit with the applicant's first application a fee of \$25 [~~\$10~~] for certification until August 31 of the even-numbered year following the date of certification. To be certified after August 31 of that year, the applicant must pay \$25 [~~\$10~~] as a certificate fee for each subsequent two-year period.

SECTION 4. Section 548.507, Transportation Code, is amended to read as follows:

Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION.
(a) Except as provided by Subsection (b) or (c), after [~~When~~] an applicant for certification as an inspection station is notified

1 that the application will be approved, the applicant must [~~shall~~]
 2 pay a fee of \$100 [~~\$30~~] for certification until August 31 of the
 3 odd-numbered year after the date of appointment. To be certified
 4 after August 31 of that year, the applicant must pay a fee of \$100
 5 [~~\$30~~] for certification for each subsequent two-year period.

6 (b) If an applicant for certification as an inspection
 7 station has been convicted of a violation of this chapter relating
 8 to an emissions inspection under Subchapter F, after notification
 9 that the application will be approved, the applicant must pay a fee
 10 of \$500 for certification until August 31 of the odd-numbered year
 11 after the date of appointment. To be certified after August 31 of
 12 that year, the applicant must pay a fee of \$100 for certification
 13 for each subsequent two-year period.

14 (c) If an applicant for certification as an inspection
 15 station has been convicted of two or more violations of this chapter
 16 relating to an emissions inspection under Subchapter F, after
 17 notification that the application will be approved, the applicant
 18 must pay a fee of \$1,500 for certification until August 31 of the
 19 odd-numbered year after the date of appointment. To be certified
 20 after August 31 of that year, the applicant must pay a fee of \$100
 21 for certification for each subsequent two-year period.

22 SECTION 5. Subchapter I, Chapter 548, Transportation Code,
 23 is amended by adding Section 548.6015 to read as follows:

24 Sec. 548.6015. CIVIL PENALTIES. (a) An inspection station
 25 that violates a provision of this chapter relating to an emissions
 26 inspection under Subchapter F is liable for a civil penalty of not
 27 less than \$250 or more than \$500 for each violation. The district

1 or county attorney for the county in which the inspection station is
2 located or the attorney general may bring suit in the name of this
3 state to collect the penalty.

4 (b) An inspector who violates a provision of this chapter
5 relating to an emissions inspection under Subchapter F is liable
6 for a civil penalty of not less than \$50 or more than \$150 for each
7 violation. The district or county attorney for the county in which
8 the inspection station that employs the inspector is located or the
9 attorney general may bring suit in the name of this state to collect
10 the penalty.

11 (c) A penalty imposed under this section is in lieu of a
12 civil or administrative penalty imposed under another provision of
13 this chapter for the same violation.

14 SECTION 6. Subchapter I, Chapter 548, Transportation Code,
15 is amended by adding Sections 548.6035 and 548.6036 to read as
16 follows:

17 Sec. 548.6035. FRAUDULENT EMISSIONS INSPECTION OF MOTOR
18 VEHICLE. (a) A person commits an offense if, in connection with a
19 required emissions inspection of a motor vehicle, the person
20 knowingly:

21 (1) places or causes to be placed on a motor vehicle an
22 inspection certificate, if:

23 (A) the vehicle does not meet the emissions
24 requirements established by the department; or

25 (B) the person has not inspected the vehicle;

26 (2) manipulates an emissions test result;

27 (3) uses or causes to be used emissions data from

another motor vehicle as a substitute for the motor vehicle being inspected; or

(4) bypasses or circumvents a fuel cap test.

(b) A first offense under Subsections (a)(1)-(3) is a Class B misdemeanor.

(c) Except as provided by Subsection (d), a second or subsequent offense under Subsections (a)(1)-(3) is a Class A misdemeanor.

(d) If it is found on trial of an offense under Subsections (a)(1)-(3) that the person committing the offense acted with the intent to defraud or harm another person, the offense is a state jail felony.

(e) An offense under Subsection (a)(4) is a Class C misdemeanor.

(f) It is a defense to prosecution under Subsection (a)(4) that the analyzer used by the person developed a functional problem during the emissions inspection of the fuel cap that prevented the person from properly conducting the fuel cap test portion of the emissions inspection.

Sec. 548.6036. ACTIONS OF EMPLOYEE. (a) Except as provided by Subsection (b), an inspection station is not subject to an administrative or civil penalty or criminal prosecution under this subchapter for an act of an employee of the inspection station if the inspection station requires the employee to sign a written agreement to abide by the provisions of:

(1) this chapter;

(2) Chapter 382, Health and Safety Code; and

1 (3) all rules adopted under those chapters.

2 (b) An inspection station is subject to prosecution under
3 this subchapter for an act of an employee of the inspection station
4 if the inspection station:

5 (1) has received written notification from the
6 department or another agency that the employee has committed an
7 offense under this chapter; and

8 (2) continues to allow the employee to perform
9 inspections under this chapter.

10 SECTION 7. (a) The Department of Public Safety of the
11 State of Texas and the Texas Department of Motor Vehicles shall
12 conduct a study regarding the feasibility of and best practices for
13 using an electronic motor vehicle inspection system to consolidate
14 the inspection and registration of motor vehicles in this state.

15 (b) Not later than December 1, 2012, the Department of
16 Public Safety of the State of Texas and the Texas Department of
17 Motor Vehicles shall report the results of the study conducted
18 under this section to the standing committees in the senate and the
19 house of representatives that have primary jurisdiction over
20 transportation.

21 SECTION 8. (a) The change in law made by this Act to
22 Section 548.3065, Transportation Code, applies only to a violation
23 or an offense committed on or after the effective date of this Act.
24 A violation or an offense committed before the effective date of
25 this Act is governed by the law in effect when the violation or
26 offense was committed, and the former law is continued in effect for
27 that purpose.

1 (b) The changes in law made by Section 548.4045,
2 Transportation Code, as added by this Act, and Sections 548.506 and
3 548.507, Transportation Code, as amended by this Act, in connection
4 with an application for certification as a vehicle inspection
5 station or a vehicle inspector apply only to an application for
6 certification that is filed on or after the effective date of this
7 Act. An application for certification as a vehicle inspection
8 station or a vehicle inspector that is filed before the effective
9 date of this Act is governed by the law in effect when the
10 application was filed, and the former law is continued in effect for
11 that purpose.

12 SECTION 9. This Act takes effect September 1, 2011.

S.B. No. 197

David Newkum

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 197 passed the Senate on May 11, 2011, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendments on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Lately Spaw

Secretary of the Senate

I hereby certify that S.B. No. 197 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4pm O'CLOCK

JUN 17 2011

Debra R. Edwards

Secretary of State